

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ROANOKE

MICHAELLA ANN BAILEY,

*Plaintiff,*

v.

LOWE'S HOME CENTERS, INC.,

SERVE: Corporation Service Company

100 Shockoe Slip Fl 2

Richmond, VA 23219

and

LOWE'S HOME CENTERS, LLC,

SERVE: Corporation Service Company

100 Shockoe Slip Fl 2

Richmond, VA 23219

*Defendants,*

CASE NO. CL20-000702

VALIDATE CASE PAPERS  
RCET : 2000000459  
CASE : 18CL20000702-00  
ACCT : BAILEY, MICHAELLA ANN  
AMT. : \$340.00

COMPLAINT

COMES NOW Plaintiff, Michaella Ann Bailey, by Counsel, and states her complaint against Defendants Lowe's Home Centers, Inc. and Lowe's Home Centers, LLC on the grounds and asking for a judgment and damages in the amount, set forth below:

PARTIES

1. Plaintiff is a citizen of the Commonwealth of Virginia, residing in Roanoke County, Virginia.

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
ROANOKE COUNTY CIRCUIT COURT

DATE: 04/09/2020 008:47:07

TESTE: Theresa Rogers  
CLERK/DEPUTY CLERK

2. Defendant, Lowe's Home Centers, Inc. ("LHCI") is a North Carolina stock corporation, previously registered in Virginia through the VA State Corporation Commission S.S.C., Entity ID# F0250995.
3. Defendant, Lowe's Home Centers, LLC. ("LHCL") is a North Carolina limited liability company, active and in good standing and authorized to transact business in Virginia whose VA State Corporation Commission S.S.C., Entity ID# is T0553810.

**JURISDICTION AND VENUE**

4. This Court has personal jurisdiction over the parties pursuant to Virginia Code § 8.01-328.1(A)(1).
5. Venue is proper in this Court pursuant to Virginia Code § 8.01.261(1)(a)(1).

**STATEMENT OF FACTS**

6. On or about April 14, 2018, Plaintiff visited Defendants' Store #0664, located at 4224 Valley Avenue, Roanoke, VA 24018 located in the County of Roanoke, as an invitee.
7. While conducting the business contemplated as an invitee of the Defendants, and in an area that the Plaintiff was authorized to be, the Plaintiff was struck by an unmanned moving flower transportation cart.
8. This cart pinned Plaintiff's leg between the curb and the cart causing the Plaintiff to fall to the ground with the cart falling on top of her.
9. There were no signs or other warnings in the area to warn or provide the Plaintiff notice of the hazard.

DUTY

10. Defendants owed Plaintiff, as an invitee, the duty to exercise ordinary care to have its premises in a reasonably safe condition at the places that the Plaintiff had a right to be.
11. Defendants owed Plaintiff, as an invitee, the duty to give an effective and timely warning of the existence of the hazardous condition on the premises which was, or in the exercise of reasonable care should have been known to the Defendant and was unknown to the Plaintiff.

BREACH

12. The unsecured and unmanned flower cart created a dangerous and unsafe condition at the time of the Plaintiff's visit and in an area the Plaintiff had a right to be.
13. The hazardous condition of the premises was known, or reasonably should have been known to the Defendants.
14. The Defendants failed to correct or warn Plaintiff of the hazardous condition
15. The hazardous condition of the Defendants' premises was the proximate, direct, and actual cause of the Plaintiff's injuries.

INJURY

16. As a direct and proximate result of the Defendants' negligence, Plaintiff sustained serious and permanent injuries, has been prevented from transacting her business, and has suffered and will continue to suffer great pain of body and mind; has sustained permanent disability and deformity; has incurred and will incur future hospital, doctors', and related bills in an effort to address said injuries.

WHEREFORE, the Plaintiff, Michaella Ann Bailey, demands judgement against Defendants, jointly and severally, in the sum of Seven Hundred Fifty Thousand Dollars (\$750,000.00), along with prejudgment interest and her costs expended in this action, all with interest as allowed by law.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

MICHAELLA A. BAILEY

By Counsel



\_\_\_\_\_  
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**COVER SHEET FOR FILING CIVIL ACTIONS  
COMMONWEALTH OF VIRGINIA**

 Case No. .....  
 (CLERK'S OFFICE USE ONLY)

Roanoke County

Circuit Court

Michaella Ann Bailey

PLAINTIFF(S)

v./In re: .....

Lowe's Home Centers, Inc.

DEFENDANT(S)

Lowe's Home Centers, LLC

I, the undersigned [ ] plaintiff [ ] defendant [X] attorney for [X] plaintiff [ ] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

**GENERAL CIVIL****Subsequent Actions**

- [ ] Claim Impleading Third Party Defendant
- [ ] Monetary Damages
- [ ] No Monetary Damages
- [ ] Counterclaim
- [ ] Monetary Damages
- [ ] No Monetary Damages
- [ ] Cross Claim
- [ ] Interpleader
- [ ] Reinstatement (other than divorce or driving privileges)
- [ ] Removal of Case to Federal Court

**Business & Contract**

- [ ] Attachment
- [ ] Confessed Judgment
- [ ] Contract Action
- [ ] Contract Specific Performance
- [ ] Detinue
- [ ] Garnishment

**Property**

- [ ] Annexation
- [ ] Condemnation
- [ ] Ejectment
- [ ] Encumber/Sell Real Estate
- [ ] Enforce Vendor's Lien
- [ ] Escheatment
- [ ] Establish Boundaries
- [ ] Landlord/Tenant
- [ ] Unlawful Detainer
- [ ] Mechanics Lien
- [ ] Partition
- [ ] Quiet Title
- [ ] Termination of Mineral Rights

**Tort**

- [ ] Asbestos Litigation
- [ ] Compromise Settlement
- [ ] Intentional Tort
- [ ] Medical Malpractice
- [ ] Motor Vehicle Tort
- [ ] Product Liability
- [ ] Wrongful Death
- [X] Other General Tort Liability

Damages in the amount of \$ 750,000.00 are claimed.

**ADMINISTRATIVE LAW**

- [ ] Appeal/Judicial Review of Decision of (select one)
  - [ ] ABC Board
  - [ ] Board of Zoning
  - [ ] Compensation Board
  - [ ] DMV License Suspension
  - [ ] Employee Grievance Decision
  - [ ] Employment Commission
  - [ ] Local Government
  - [ ] Marine Resources Commission
  - [ ] School Board
  - [ ] Voter Registration
  - [ ] Other Administrative Appeal

**DOMESTIC/FAMILY**

- [ ] Adoption
- [ ] Adoption – Foreign
- [ ] Adult Protection
- [ ] Annulment
- [ ] Annulment – Counterclaim/Responsive Pleading
- [ ] Child Abuse and Neglect – Unfounded Complaint
- [ ] Civil Contempt
- [ ] Divorce (select one)
  - [ ] Complaint – Contested\*
  - [ ] Complaint – Uncontested\*
  - [ ] Counterclaim/Responsive Pleading
  - [ ] Reinstatement – Custody/Visitation/Support/Equitable Distribution
- [ ] Separate Maintenance
- [ ] Separate Maintenance Counterclaim

**WRITS**

- [ ] Certiorari
- [ ] Habeas Corpus
- [ ] Mandamus
- [ ] Prohibition
- [ ] Quo Warranto

**PROBATE/WILLS AND TRUSTS**

- [ ] Accounting
- [ ] Aid and Guidance
- [ ] Appointment (select one)
  - [ ] Guardian/Conservator
  - [ ] Standby Guardian/Conservator
  - [ ] Custodian/Successor Custodian (UTMA)
- [ ] Trust (select one)
  - [ ] Impress/Declare/Create
  - [ ] Reformation
- [ ] Will (select one)
  - [ ] Construe
  - [ ] Contested

**MISCELLANEOUS**

- [ ] Amend Death Certificate
- [ ] Appointment (select one)
  - [ ] Church Trustee
  - [ ] Conservator of Peace
  - [ ] Marriage Celebrant
- [ ] Approval of Transfer of Structured Settlement
- [ ] Bond Forfeiture Appeal
- [ ] Declaratory Judgment
- [ ] Declare Death
- [ ] Driving Privileges (select one)
  - [ ] Reinstatement pursuant to § 46.2-427
  - [ ] Restoration – Habitual Offender or 3rd Offense
- [ ] Expungement
- [ ] Firearms Rights – Restoration
- [ ] Forfeiture of Property or Money
- [ ] Freedom of Information
- [ ] Injunction
- [ ] Interdiction
- [ ] Interrogatory
- [ ] Judgment Lien-Bill to Enforce
- [ ] Law Enforcement/Public Official Petition
- [ ] Name Change
- [ ] Referendum Elections
- [ ] Sever Order
- [ ] Taxes (select one)
  - [ ] Correct Erroneous State/Local
  - [ ] Delinquent
- [ ] Vehicle Confiscation
- [ ] Voting Rights – Restoration
- [ ] Other (please specify)

DATE

David W. Steidle

PRINT NAME

333 Church Avenue S.W., Roanoke, VA 24016

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

(540) 397-3742

david@steidlelaw.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

[ ] PLAINTIFF

[ ] DEFENDANT

[ ] ATTORNEY FOR

[ ] PLAINTIFF

[ ] DEFENDANT

\*“Contested” divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An “Uncontested” divorce is filed on no fault grounds and none of the above issues are in dispute.